

REMARKS

In the Office Action dated October 3, 2003, claims 1 and 4-8 are allowed, claim 2 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,366,358 to Satou et al. (hereinafter "Satou"). Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant appreciates the Office Action's finding that claims 1 and 4 – 8 are allowed. Applicant respectfully traverses the rejection of claim 2, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Applicant also adds new dependent claims 9 – 12. Accordingly, claims 1-12 are now pending in this application.

The Rejection of Claims 2 and 3 under 35 U.S.C. § 102(e)

Claim 2 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,366,358 to Satou et al. (hereinafter "Satou"). Claim 3 is objected to as being dependent upon a rejected base claim. Applicant respectfully traverses this rejection and the Office Action's interpretation of the applied references for the following reasons.

Satou describes an image reader in which an original is conveyed, first and second portions of the read image are compared, and the density difference is compared to a threshold value T1. However, as taught by Satou at column 18, lines 63 – 64, "no calculation is carried

out between the same pixels.” In the present invention, however, “a threshold correction part that determines an average density difference between average densities of the same area on the original read by the first and second reading parts.”

Applicant respectfully submits that Satou’s reference actually teaches away from original claim 2, because it recites a threshold correction method comprising a step of determining “an average density difference between average densities of the same area on the original read by the first and second reading parts” whereas Satou teaches not using the same pixels.

As pointed out in MPEP §2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 102(e) be withdrawn.

Moreover, Applicant respectfully submits that dependent claim 3 is not anticipated by Satou for at least the same reasons as set forth above with regard to independent claim 2 upon which it respectively depends. Accordingly, Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of claim 3 be withdrawn.

Applicant adds new claims 9 – 12 to describe the invention differently. Applicant respectfully submits that claims 9 – 12 are allowable as being dependent for allowable claims 1, 2, 7, and 7 respectively.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.


If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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